

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

HARVARD’S MOTION FOR LEAVE TO FILE A REPLY
MEMORANDUM IN SUPPORT OF THE MOTION TO STAY

Pursuant to Local Rule 7.1(b)(3), Defendant President and Fellows of Harvard College (“Harvard”) respectfully seeks leave of the Court to submit a nine-page reply in support of its Motion to Stay (Dkt. 58). The Proposed Reply Memorandum of Law is attached to this Motion as Exhibit A, and a supporting declaration is attached as Exhibit B. Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certify that we have conferred in good faith with counsel for the Plaintiff, but have been unable to resolve the issues presented by this motion.

A reply memorandum is necessary because in its Opposition (Dkt. 71), Plaintiff Students for Fair Admissions, Inc. (“SFFA”) makes several assertions of law and fact that require a response. First, SFFA mischaracterizes the governing standard for the grant of a stay. Second, SFFA misstates the issues before the Supreme Court in *Fisher v. University of Texas at Austin*, No. 14-981 (“*Fisher II*”). Third, SFFA’s arguments about *Fisher II*’s potential effect on this litigation ignore the significant effect that Supreme Court affirmative action precedent has on all stages of this litigation. Finally, allowing Harvard to file this Reply will not cause delay in the

consideration of these issues because Harvard will file its Reply in advance of the July 21, 2015 status conference.

WHEREFORE, Harvard respectfully requests that the Court grant its motion for leave to file a reply in support of its Motion to Stay.

Respectfully submitted,

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Dated: July 21, 2015

*Counsel for Defendant President and
Fellows of Harvard College*

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a), I hereby certify that counsel for Harvard has conferred with counsel for Students for Fair Admissions, Inc. in a good faith effort to resolve or narrow the issues presented in this motion.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on July 21, 2015.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth